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## Assumption Process

### What is the Assumption Process?

The assumption process is authorized by the Clean Water Act and further described in implementing regulations. The links below summarize the authorities for assumption, provide details of what should be included in the assumption request package, and describe the assumption approval process.

- [Statutory and Regulatory Requirements](#)
- [Assumption Request Package](#)
- [Assumption Request Approval Process](#)
- [404\(g\) Approval Process Flowchart](#)
- Administering the Section 404 Permitting Program (this webpage is in development. Check back soon!)

### Overview of the Assumption Process

#### Basic Steps:

Step 1 - **Initiate** - Contact applicable EPA Regional Administrator and US Army Corps District/Division to identify interest in assumption.

Step 2 – **Hold Dialogue prior to Assumption Request** - Confer with EPA regional and headquarters staff on pre-request steps, process, and substantive requirements; review existing state or tribal programs, laws, and resources and identify program modifications and/or legislation needs; conduct outreach with the public and regulated community; obtain feedback from US Army Corps of Engineers on waters to be retained by the Corps.

Step 3 – **Develop and Submit Assumption Request Package** – Submit letter from Governor with Attorney General statement on legal sufficiency of proposed state or tribal permit program; describe equivalent state or tribal program; draft memorandums of agreement with applicable EPA Regional Administrator and Secretary of the Army.

Step 4 – **EPA Review and Approval** – EPA reviews request package; publishes a notice of the request for public comment; conducts federal agency review; holds a public hearing; and documents its review and decision by the EPA Regional Administrator.

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